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5	Facsimile: (925) 945-1975			
6 7	Attorneys for E. I. du Pont de Nemours and Company			
8	UNITED STATES DISTRICT COURT  NORTHERN DISTRICT OF CALIFORNIA			
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11	E I DII DONT DE NEMOLIDS AND	) Case No. 3:11-cv-01665-JSW		
12	E. I. DU PONT DE NEMOURS AND COMPANY,	)  JOINT STATUS REPORT AND  DRAW OF THE PROPERTY OF THE PROPER		
13	Plaintiff,	)   FROPOSED   ORDER EXTENDING   STAY OF ACTION		
14	v.	) Judge: Hen Jeffrey C White		
15	USA PERFORMANCE TECHNOLOGY, INC., PERFORMANCE GROUP (USA),	<ul><li>Judge: Hon. Jeffrey S. White</li><li>Hearing Date: None</li></ul>		
16	INC., WALTER LIEW, and JOHN LIU,	) )		
17	Defendants.			
18				
19		_)		
20	Pursuant to the Court's November 20, 2012 Order, Plaintiff E. I. du Pont de Nemours and			
21	Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc.			
22	(collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this			
23	matter set to expire on January 25, 2013, remain in place for an additional 60 days, through			
24	March 26, 2013.			
25	On August 23, 2011, the United States filed United States v. Walter Liew and Christina			
26	Liew, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding			
27	indictment in said action. <i>Id.</i> at Docket # 64.			
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1	<u>DuPont's Position</u> : The superseding indictment alleges that defendant Walter Liew, his
2	wife, Christina Liew, and several other defendants violated multiple federal trade secret and
3	economic espionage laws when they stole – and utilized – the trade secrets at issue in this action.
4	Inter alia, Mr. Liew is charged with Conspiracy to Commit Economic Espionage, Conspiracy to
5	Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade Secrets, Witness
6	Tampering, and False Statements. See id. ¶¶ 16-97. In addition, the superseding indictment
7	identifies five DuPont trade secrets relating to its TiO2 technology at issue in the criminal action.
8	<i>Id.</i> ¶ 14.
9	<u>USAPT's Position</u> : Defendants believe that the superseding indictment speaks for itself,
10	and no further explanation or commentary is appropriate or needed.
11	On September 7, 2011, this Court issued an Order relating the criminal proceeding with
12	this action, pursuant to its determination that this action and the criminal proceeding are related
13	within the meaning of Crim. L.R. 8-1(b). (Docket # 42.) <sup>1</sup>
14	On September 23, 2011, the parties filed a joint status report requesting that the stay
15	initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket
16	# 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)
17	On November 23, 2011, the parties filed an additional joint status report requesting that
18	the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties'
19	request on November 29, 2011. (Docket # 48.)
20	On January 24, 2012, the parties filed an additional joint status report requesting that the
21	stay be extended for an additional 60 days. (Docket #49.) The Court granted the parties'
22	request on January 31, 2012. (Docket # 50.)
23	On March 26, 2012, the parties filed an additional joint status report requesting that the
24	stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties'
25	request on March 27, 2012. (Docket # 52.)
26	

On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

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1	On May 23, 2012, the parties filed an additional joint status report requesting that the		
2	stay be extended for an additional 60 days	s. (Docket # 53). The Court granted the parties'	
3	request on May 23, 2012. (Docket # 54).		
4	On July 23, 2012, the parties filed an additional joint status report requesting that the sta		
5	be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request o		
6	July 24, 2012. (Docket # 56).		
7	On September 21, 2012, the parties filed an additional joint status report requesting that		
8	the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties'		
9	request later that day. (Docket # 58).		
10	On November 20, 2012, the parties filed an additional joint status report requesting that		
11	the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties'		
12	request later that day. (Docket # 60).		
13	The undersigned counsel request that the stay remain in place for an additional 60 days,		
14	at which time the parties will update the Court.		
15	Dated: January 18, 2013	GLYNN & FINLEY, LLP	
16		CLEMENT L. GLYNN MORGAN K. LOPEZ	
17		JONATHAN A. ELDREDGE One Walnut Creek Center	
18		100 Pringle Avenue, Suite 500 Walnut Creek, CA 94596	
19		Dec /s/Marrar W. Lana	
20		By /s/ Morgan K. Lopez Attorneys for Plaintiff	
21	Dated: January 18, 2013	MOUNT & STOELKER, P.C.	
22		DANIEL S. MOUNT ON LU	
23		KEVIN M. PASQUINELLI RiverPark Tower, Suite 1650 333 West San Carlos Street	
24		San Jose, CA 95110-2740	
25		By /s/ Daniel S. Mount  Attornaya for Defendants USA Parformance	
26		Attorneys for Defendants USA Performance Technology, Inc., and Walter Liew	
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1	[PROPOSED] ORDER
2	Having read and considered the Joint Status Report,
3	IT IS ORDERED THAT:
4	The parties' request that the stay be extended until March 26, 2013 is hereby GRANTED.
5	Counsel shall submit a joint status report on or before March 19, 2013.
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8	January <u>18</u> , 2013
9	Hopefable Jeffrey S. White UNITED STATES DISTRICT JUDGE
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